

# LEGAL NOTICES

A TRUE COPY,

ATTEST

Maryann G. Munkit  
Egremont Town Clerk  
Mon. March 26, 1990

## PUBLIC NOTICE

Towns of Egremont, Lanesboro, Lee, Lenox, Otis, Sandfield, Stockbridge, West Stockbridge.

I. A. Purpose. It is the purpose of these regulations to protect the public health, safety and welfare by ensuring housing units with no access to public water supplies the supply of safe drinking water from private wells and to provide for the protection of the town's groundwater resources.

I. B. Authority. These regulations shall be effective on and after March 15, 1990, and so remain until modified or amended by the Board of Health.

They are enacted by the Egremont, Lanesboro, Lee, Lenox, Otis, Sandfield, Stockbridge, West Stockbridge Boards of Health under the authority which includes but is not limited to one or more of the following: Mass. General Laws, Chapter 111, sections 31, 122, 122A, 127, 143, 155, 187, 188; Code of Mass. Regulations (CMR) 11.02, and Mass. General Law Chapter 40, Section 54.

Any and all previous regulations concerning private wells are hereby repealed.

II. Definitions. Abandoned Well: A private well that meets any of the following criteria: (1) construction was terminated prior to completion of the well, (2) the well owner declares that the use of the well has been permanently discontinued, (3) the well is in such a state of disrepair that its continued use is impractical or represents a physical threat, (4) the well has the potential for transmitting contaminants into the aquifer and the situation cannot be corrected. Board of Board of Health: The Board of Health of the town or its authorized agent. Certified Laboratory: Any laboratory which has full certification by the Department of Environmental Protection as provided in the most recent edition of "Certification Status of Commercial Environmental Laboratories." Private Well: Any non-public well, serving less than 15 houses and serving fewer than 25 people as defined in 310 CMR 22.02. Well: A bored, drilled, or driven well or a dug hole with a depth greater than its largest surface dimension. Well Driller: Any person, association, partnership, company, or corporation that constructs wells and is registered with the Division of Water Resources of the Department of Environmental Management in compliance with the Well Diggers and Drillers Registration, 313 CMR 3.00 (7/13/89). Water Supply Certificate: A certificate issued by the Board of Health which authorizes the use of a private well as a water supply.

III. Standards for the Location, Construction, Decommissioning, Water Quality and Water Quantity.

### A. Location of Wells

- 1) In establishing the location of a well, actual or possible sources of contamination which exist or are proposed to exist within two hundred (200) feet of the proposed well site need to be identified. Private wells shall be located to avoid all potential sources of contamination.

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The following minimum lateral distances shall apply for each listed source of contamination:

Subsurface sewage disposal field (leaching facility, in use, abandoned or reserve area), 150 feet; Cesspool, seepage pit, 150 feet; Septic tank, 100 feet; Sewer lines (water tight joints), 50 feet; Property line, 30 feet; Public Way, 50 feet; Driveways, 20 feet; Underground fuel storage tanks, 200 feet; Utility rights-of-way, 100 feet; Stables, barnyards, manure piles, manure storage tanks, feedlots, 150 feet.

- 2) Where deemed necessary or appropriate by the Board of Health, the above distances may be increased, or reasonable means of protection may be required or both. The Board may impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special requirements shall be added by the Board as conditions of the well construction permit.

- 3) The aforesaid not withstanding no one shall locate, drill or dig a well or cause the same to be done in such a manner as to limit the use or enjoyment of any neighboring property.

### B. Well Construction Standards.

- 1) All wells shall be constructed by a registered well driller. A copy of the well driller's Certificate of Registration must accompany application for a permit.
- 2) All wells shall be constructed in compliance with the sections of the "Private Well Guidelines" of the Department of Environmental Protection's Division of Water Supply, October 30, 1989, that apply to well construction and well decommissioning (pages 22 through 67; and pages 92 to 101) They constitute part of these regulations and are incorporated herein by reference.

- 3) Well Drillers need to certify in writing that they have complied with the "Private Well Guidelines" as specified above in order to receive the Water Supply Certificate.

### C. Well Decommissioning Standards

- 1) A well that is abandoned shall be decommissioned (destroyed) to protect the groundwater supply and to eliminate potential physical hazards.
- 2) All abandoned wells shall be destroyed in compliance with the "Private Well Guidelines" in decommissioning the well.
- 3) Well Drillers need to certify in writing that they have complied with the "Private Well Guidelines" in decommissioning the well.

### D. Water Quality Standards

- 1) No private well shall be used as a water supply and no building permit shall be issued for new construction on the property where the well is located, unless and until the water derived from the well has been tested.
- 2) Chemical and bacteriological analyses shall be conducted by a certified laboratory and shall meet the following minimum standards:

Coliform bacteria, none detected; Sodium (Na), 20 mg/l; Chloride (Cl), 250 mg/l; Nitrate Nitrogen (N), 10mg/l; Nitrate Nitrogen, 0.001 mg/l

In addition the following water quality tests and standards will be required to be conducted for the informational benefit of the landowner.

Total Dissolved Solids, 500 mg/l; Iron (Fe), 0.3 mg/l; Manganese (Mn), 0.05 mg/l; pH, 6.5-8.5; Total hardness, 180 mg/l.

- 3) Additional or repeated tests may be required by the Board where, in the opinion of the Board, it is necessary for the protection of the public health, safety and welfare.

### E. Water Quantity Standards

- 1) Yield test pumping shall be conducted at

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a rate at least equal to the pumping rate expected during normal well use and shall be conducted for a minimum of four hours.

- 2) The required minimum well yield will vary depending on the depth of the well. Overall, a well is required to yield 110 gallons/bedroom/day as per Title V. In specifics, the minimum well yield shall conform to the following table:

Depths of Water In Well	Gallons/minute for 4 hrs.
0-150 feet	3-6
150-200 feet	4
200-250 feet	2-3
250-300 feet	1-2
300 and deeper	1/2

In no instance shall the well be permitted to yield less than the amount of gallons per day arrived at by applying the following formula: (# of bedrooms +1) x 110 gallons x (safety factor of 2) = minimum gallons/day.

## IV. Procedures for Obtaining a Water Supply Certificate and a Well Decommissioning Permit

### A. Water Supply Certificate Procedures

#### 1. Well Construction Permit Application

- a. An application for a well construction permit shall be submitted by the property owner or his/her designated agent to the Board of Health on a form provided by the Board of Health.
- b. The Tax Map and Parcel Number, the location of the proposed well to be constructed and a general written summary of any possible sources of contamination with 200 (see III, A.1) feet shall be submitted to the Board of Health with the permit application.
- c. The application for a well construction permit shall be accompanied by an extended plot plan, produced by a Civil or Sanitary Engineer or a Registered Sanitarian which will show distances less than 200 feet from the proposed well site to the following:
  - (1) Existing and proposed structures.
  - (2) Subsurface waters and subsurface drainage courses
  - (3) Subsurface sewage disposal fields, trenches, or pits and adjoining septic tanks or cesspools.
  - (4) Subsurface fuel storage tanks
  - (5) Other potential sources of pollution an experienced well driller should reasonably be expected to recognize
  - (6) Property Lines
  - (7) Public ways

For new construction, the plan submitted to comply with Title V requirements will be acceptable for this purpose if it includes the above data for the well.

- d. The Board of Health shall charge a fee for a well construction permit to be set by the Board. The fee has to be paid when the application is filed with the Board.
- e. Well construction may proceed upon approval of a permit application in the form of a well construction permit issued by the Board.
- f. All permits for well construction and decommissioning shall expire at the end of twelve months (12 months) from the date of issuance. Permits may be extended for an additional six months (6 months) if a written request is received by the Board of Health prior to the expiration date. No additional fee shall be charged for an extension, provided there is no change in the plans for the proposed well.
- After a permit has expired, a new application and a new fee must be submitted to the Board.
- g. Permits and applications are not transferable.

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No. \_\_\_\_\_

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF EGREMONT  
BOARD OF HEALTH

APPLICATION FOR WELL CONSTRUCTION PERMIT

Date: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

~~Address of~~  
Proposed Well Location: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_

Type of Building: \_\_\_\_\_  
(new/existing)

Name of Engineer/Sanitarian: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

License #: \_\_\_\_\_

Name of Well Driller: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

License #: \_\_\_\_\_

Electrical work must be performed by a licensed electrician.

This application must be accompanied by a map of the proposed well location (the plan submitted in accordance with Title 5 requirements for septic systems will be acceptable for this purpose). Map must include a scaled, extended plot plan and be produced by a registered engineer or sanitarian. All items below must be indicated:

(A) Distances Between Well and Possible Sources of Contamination:

<i>Potential Source of Contamination</i>	<i>Required Minimum Lateral Distance</i>	<i>Actual Distance</i>
Subsurface sewage disposal field/cess pool	150 ft.	_____
Septic tank	100 ft.	_____
Sewer lines and public ways	50 ft.	_____
Property lines	30 ft.	_____
Driveways	20 ft.	_____
Stables/pastures/feedlots etc.	150 ft.	_____
Underground fuel storage tanks	200 ft.	_____

(B) The Existence of Any of the Following Within 200 Feet of Proposed Well:

Existing and proposed structures: \_\_\_\_\_

Subsurface water and subsurface drainage courses: \_\_\_\_\_

Any other recognizable pollution source: \_\_\_\_\_

Signed: \_\_\_\_\_  
Applicant

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Agent, Egremont Board of Health